

consistent with the risks of litigation and not unreasonable. Second, the facts recounted in plaintiff's letter motion indicate that the settlement negotiations were conducted at arm's length. Defendants have closed their business, have not retained counsel, and have negotiated the settlement through their accountant; plaintiff, in contrast, is represented by a lawyer with substantial wage-and-hour litigation experience. There would seem to be little risk of overreaching by defendants in these circumstances. Moreover, the release term in the settlement agreement is limited to wage-and-hour claims, and the settlement agreement does not impose a duty of confidentiality. Finally, the attorney's fee portion of the settlement is consistent with the terms of plaintiff's retainer agreement and, according to plaintiff's counsel, is for an amount less than his reasonable lodestar fee.

For all these reasons, I respectfully recommend that the settlement agreement be approved. Any objections to the recommendations made in this Report must be made within fourteen days after filing of this Report and Recommendation and, in any event, on or before June 26, 2017. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Failure to file timely objections may waive the right to appeal the District Court's order. *See Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (discussing waiver under the former ten-day limit). Plaintiff shall forthwith serve copies of this Report and Recommendation upon the defaulting defendant at its last known address and file proof of service with the Court.

/s/
Steven M. Gold
United States Magistrate Judge

Brooklyn, New York
June 12, 2017

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